

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-15059 - APPLICANT: SCOTT R. GEARING - OWNER: MONTERREY PLAZA, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for Gaming (Restricted) use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-15055), Special Use Permit (SUP-15058), and Variance (VAR-15057) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Gaming (Restricted) Establishment and a waiver of the required 330-foot separation from a single-family detached dwelling on the south side of Azure Drive, approximately 170 feet west of Tenaya Way.

EXECUTIVE SUMMARY

The proposed Gaming (Restricted) use would be ancillary to the primary use as a restaurant. The applicant is intending to place the gaming machines in the bar area. While the subject property is an acceptable location for the proposed Gaming (Restricted) use, the design of the site does not allow the site to meet parking and landscaping requirements. An alternative design is sought that reduces the square footage of the building to accommodate parking requirements. For this reason, the proposed use is considered inappropriate and denial of this request is recommended.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request. |
| 04/04/01 | The City Council approved requests for Special Use Permits (U-0006-01, U-0007-01, U-0009-01, U-0010-01, U-0012-01, U-0013-01, U-0015-01, U-0016-01, U-0019-01, U-0020-01, U-0022-01 and U-0023-01) for seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the subject site. The City Council approved a request for a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development on this site. The Planning Commission and staff recommended approval of the items on February 22, 2001. |
| 06/18/03 | The City Council approved an Extension of Time (EOT-2155) of the approved Special Use Permit (U-0008-01), which allowed a restaurant with drive-up and related Extensions of Time (EOT-2153, EOT-2154, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2161, EOT-2162, EOT-2163, EOT-2164 and EOT-2165) for approved Special Use Permits, which allowed seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the overall site. The Planning Commission and staff recommended approval on 05/22/03. |

- 06/01/05 The City Council approved related Extension of Time of requests (EOT-6561, EOT-6562, EOT-6563, EOT-6564, EOT-6565, EOT-6566, EOT-6567, EOT-6610 and EOT-6611) for approved Special Use Permits which allowed five supper clubs, one restaurant with drive-up, one restricted gaming establishment and one restaurant service bar, on the overall site.
- 08/24/06 The Planning Commission recommended approval of companion items VAR-15057, SUP-15058 and SDR-15055 concurrently with this application.
- 08/24/06 The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #54/ng).

It is noted that of the extensive list of cases listed above are related to the Monterrey Marketplace. The previous approvals on the actual site were U-15-01 and U-23-01 for Gaming (Restricted) and Liquor Sales (off site consumption) in conjunction with a Drug Store, and the Extension of Time requests directly associated with these items. All other approvals are part of the adjacent commercial development.

B) Pre-Application Meeting

- 05/31/06 A pre-application meeting was held and elements of this project were discussed. It was noted that a neighborhood meeting would be required per Town Center Standards for the Gaming (Restricted) request.

C) Neighborhood Meetings

In accordance to Town Center requirements a neighborhood meeting was held on Tuesday, 07/25/06 at 7:00 p.m. The meeting was held at Cimarron Rose Community Center, 5591 N. Cimarron Road, Las Vegas, Nevada. No citizens were in attendance at this meeting.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.88

B) Existing Land Use

Subject Property: Undeveloped
North: Shopping Center
South: Single Family Residential
East: Undeveloped
West: Undeveloped

C) *Planned Land Use*

Subject Property: SX-TC (Suburban Mixed Use)
North: GC-TC (General Commercial)
South: ML (Medium Low Density Residential)
East: SX-TC (Suburban Mixed Use)
West: SX-TC (Suburban Mixed Use)

D) *Existing Zoning*

Subject Property: TC (Town Center)
North: TC (Town Center)
South: Clark County
East: TC (Town Center)
West: TC (Town Center)

E) *General Plan Compliance*

The subject property is located in the Centennial Hills Sector Plan of the General Plan. The governing land use on the property is SX-TC (Suburban Mixed Use – Town Center) as the property is also located in Town Center. The proposed project is in compliance with the SX-TC land use designation and the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails	X	
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

Town Center

The subject property is located in Town Center. The land use on the property is SX-TC (Suburban Mixed Use – Town Center). The proposed restaurant is in compliance with the SX-TC land use designation.

Trails

There is a multi-use transportation trail located along the southern portion of this development. This trail is already developed and no action is required of the applicant at this time.

Project of Regional Significance

The project is deemed a Project of Regional Significance as it required Special Use Permits within 500 feet of the boundary with Clark County. A Development Impact Notice and Assessment was routed accordingly.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500’ of the boundary with Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

- 1) No comments have been received to date.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	964 SF	1:300 SF	4			
Restaurant (Seating)	2,547 SF	1:50 SF	51			
Restaurant (other area)	2,006 SF	1:200 SF	11			
Sub Total			66	3	61	3
Total			66		61	

The proposed development does not meet Title 19.10 parking requirements and a Variance is required. The applicant has requested a Variance (VAR-15057) to permit this deviation from standards.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Gaming (Restricted)	May not locate within 330 feet of any single-family detached dwelling	No

The applicant has requested a waiver from the required distance separation requirement as part of this Special Use Permit request. Per Town Center requirements a neighborhood meeting is required. A neighborhood meeting was held on 07/25/06 to meet this requirement; no citizens were in attendance.

B) General Analysis and Discussion

- Zoning

The subject property is zoned T-C (Town Center). The properties within this area are subject to the guidelines in the Town Center Development Standards Manual. The land use on the property is SX-TC (Suburban Mixed Use – Town Center). The Town Center area encourages imaginative development with a mixture of uses. The proposed development meets the intent of the Town Center area.

- Use

Gaming (Restricted)

- a. A Special Use Permit is required for any new gaming establishment.
- b. May not locate within 330 feet of any single-family detached dwelling.

The proposed Gaming (Restricted) use is as an ancillary use to the proposed Restaurant Service Bar/Supper Club. The applicant is seeking to place the Gaming machines in the bar area. The primary use on the site would be the Restaurant use. The use requires a distance separation waiver as single-family residences are located adjacent to the proposed establishment.

- Conditions

There are no special conditions related to this Special Use Permit request.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use as a Gaming (Restricted) establishment cannot be conducted in a manner that is harmonious and compatible with surrounding development as due to the lack of required parking on the site overflow into adjacent lots may result during peak hours. Additionally it is noted that the applicant has requested a waiver from the required 330-foot distance separation from single family residential use. Therefore; denial of this request is recommended.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for this type of use. It is noted that as designed the site does not accommodate the proposed use and allow for the necessary parking and landscaping. An alternative design meeting parking requirements is a desired alternative.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site gains access from Azure Drive, a 70-foot right-of-way. The proposed project will share a driveway with the parcel to the east. This parcel is not yet developed. Site access and circulation are acceptable.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use as a Gaming (Restricted) establishment will not compromise the public health, safety, or general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

ASSEMBLY DISTRICT

13

SENATE DISTRICT 9

NOTICES MAILED 340 by City Clerk

APPROVALS 0

PROTESTS 0